IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants:	Curtis HEISEY, et al.	**Docket No:**	3740.US.P
Serial Number:	10/016,597	**Group Art Unit:**	2192
Filed:	October 26, 2001	**Examiner:**	Eric KISS
Re:	Intelligent Device Upgrade Engine		

February 28, 2007

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF – ADDITIONAL INFORMATION

Dear Sir:

This Appeal Brief-Additional Information is filed in response to the Notification of Non-Compliant Appeal Brief mailed February 13, 2007. Applicants contend that this Additional Information is not necessary, as the requested information relates to a summary of independent claims that are not subject to the Appeal (see pages 5 and 9 of the Appeal Brief: "Only claims 1-18 are subject for this Appeal Brief. Claims 19-38 are not being pursued in this Appeal."). However, in order to move the Appeal forward, Applicants hereby submit the requested information. Applicants trust that with the correction of these informalities, the Appeal Brief is in the correct format for the Board of Patent Appeals and Interferences.

Applicants believe that no fees are due at this time. However, should the commissioner determine that additional fees are required, the commissioner is authorized to charge deposit account 503650 for any fees associated herein.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

D. Independent Claim 19

Independent claim 19 recites a system for upgrading a software image on an embedded device (Fig 2 item 48, Fig 5, item 106). The system comprises a means for controlling an upgrade process (paragraph [0042]), including a means for issuing, in response to at least one user command (paragraph [0025]), a plurality of device commands including at least one device command to replace the code image in the embedded device (paragraphs [0033], [0034], [0036], [0059]). The program also comprises a means for monitoring an embedded device (Fig 5, item 102, paragraph [0039], [0040]), including a means for asynchronously (paragraph [0038]) generating at least one event indication in response to a change of at least one predetermined attribute of said embedded device (Abstract, paragraphs [0009], [0055]) and forwarding said at least one event indication to said control program code (paragraph [0055]). At least one device command replaces the code image in the embedded device, and at least one device command (paragraph [0057] "CommandFileTransfer") is generated responsive to said at least one event indication [0033], [0034], [0036], [0059]). (See paragraph [0009] for an overview of the above.)

E. Independent Claim 20

Independent claim 20 recites a system for replacing a code image in an embedded device (Fig 2 item 48, Fig 5, item 106). The system comprises a control program operative (Abstract, paragraph [0009]), responsive to a user command (paragraph [0025]), to replace the code image in the embedded device, and a monitor program operative(Fig 5, item 102, paragraph [0039], [0040]), asynchronously (paragraph [0038]) with respect to the control program, monitor progress of replacing said code image in the embedded device (Fig 5 item 122, paragraph [0056]); and generate an event indication (Fig 5 item 123, paragraph

[0055]) to said control program to indicate a status of replacing the code image after replacement of the code image has begun but before replacement of the code image is completed. (See paragraph [0009] and [0010] for an overview of the above.)

D. Independent Claim 33

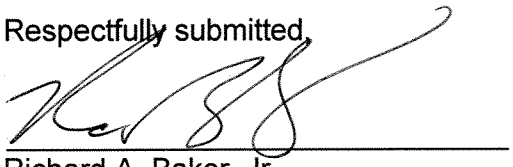
Independent claim 33 recites a method for replacing a code image in an embedded device (Fig 2 item 48, Fig 5, item 106). The method is responsive to a user command (paragraph [0025]), replacing said code image in the embedded device, and asynchronously (paragraph [0038]) (with respect to replacing the code image) (paragraph [0038]) monitoring progress of replacing said code image in said embedded device(Fig 5, item 102, paragraph [0039], [0040]). Furthermore, the method generates an event indication (Fig 5 item 123, paragraph [0055]) to indicate a status of replacing said code image after replacement of said code image has begun but before replacement of said code image is completed. (See paragraph [0009] and [0010] for an overview of the above.)

CONCLUSION

With the Additional Information supplied above, the Appeal Brief is now in condition for review and acceptance by the Board.

Applicants respectfully request that the Board reverse the outstanding rejections and direct the Examiner to promptly issue this application.

Respectfully submitted,



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